

REMARKS

Claim 9 has been objected to due to informalities. Claim 9 has been amended.

Claims 1, 2 and 4 have been rejected under 35 USC 103(a) as unpatentable over Ejzak. The rejection is respectfully traversed.

Ejzak discloses a system and method having an adaptive channel coder and modulator that dynamically adjust the modulation, coding and data-link re-transmission procedures to the actual channel conditions. The system comprises adaptive channel coders and modulators as well as channel quality measurement means. The system continuously measures the quality of a certain transmission channel during the communication process and switches between different transmission methods depending on the measured channel quality.

The present invention, on the other hand, provides a method of data transmission that uses a choice of predetermined transmission methods stored in memory. These transmission methods have been found as having a maximum data throughput rate for certain line parameters. That is, the determining and storing of the transmission methods is performed before the first use of the method according to the invention in a communication process. At the beginning of each communication process, the line parameters of the transmission path are then measured using at least one transmission method. According to our invention, the results of these measurements are then compared with the stored (and predetermined) transmission methods or with the corresponding line parameters. Afterwards, the transmission method with the maximum data throughput rate for these line parameters is chosen from the different transmission methods stored in memory. Ejzak fails to disclose predetermining and storing of different transmission methods against certain line parameters, contrary to the instant invention. Additionally, Ejzak fails to disclose the comparison between line parameters measured before the start of a communication process with line parameters stored in memory.

Claims 3 and 5-8 have been rejected under 35 USC 103(a) as unpatentable over Ejzak in view of Zirwas or Zhang. The rejections are respectfully traversed for the same reasons presented

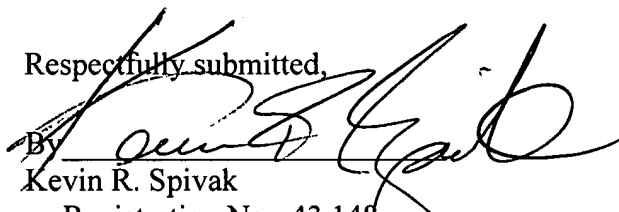
in the arguments above, and for the following reason. Neither Zirwas nor Zhang disclose predetermining and storing of different transmission methods against certain line parameters and comparison between line parameters measured before the start of a communication process with line parameters stored in memory.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.449122022600. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 7, 2005

Respectfully submitted,


By Kevin R. Spivak
Registration No.: 43,148
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 300
McLean, Virginia 22102
(703) 760-7762